

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRET N. BOGENSCHNEIDER,

Plaintiff,

v.

KIMBERLY CLARK GLOBAL SALES, LLC,

Defendant.

ORDER

14-cv-743-bbc

Two motions are before the court: (1) plaintiff Brett Bogenschneider's motion for leave to amend his complaint, dkt. #41; and (2) plaintiff's motion for a scheduling order, dkt. #47. I am staying a decision on the first motion and denying the second.

With respect to plaintiff's motion for leave to amend his complaint, I am staying a decision because plaintiff did not include a copy of the proposed amended complaint with his motion, making it impossible for defendant to determine whether it should object to the motion. Although plaintiff remedied that problem by filing a copy of the new complaint with his reply brief, defendant has not had an opportunity to respond to the new complaint. Accordingly, I will give defendant that opportunity before resolving plaintiff's first motion.

In his second motion, plaintiff objects to Magistrate Judge Stephen Crocker's order staying briefing on plaintiff's motion for summary judgment until the court resolves plaintiff's motion for leave to amend his complaint. I agree with that ruling because it is

premature to consider a motion for summary judgment before the scope of the complaint is established. Accordingly, I am continuing the stay on briefing plaintiff's motion for summary judgment until the court resolves plaintiff's motion for leave to amend his complaint.

ORDER

IT IS ORDERED that

1. Plaintiff Bret Bogenschneider's motion for to leave to amend his complaint, dkt. #41, is STAYED. Defendant Kimberly Clark Global Sales, LLC may have until April 8, 2015, to file an objection to plaintiff's proposed amended complaint; plaintiff may have until April 15, 2015, to file a reply.

2. Plaintiff's motion for a scheduling order, dkt. #47, is DENIED.

Entered this 25th day of March, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge